

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6234-CR-DIMITROULEAS

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

TOBY WILLIAM THOMPSON,

Defendants.

_____ /

**GOVERNMENT'S RESPONSE TO DEFENDANT'S RULE 32(c)
SUBMISSION AND MOTION FOR DOWNWARD DEPARTURE**

The United States, by and through the undersigned Assistant United States Attorney, files this Response to Defendant's Rule 32(c) Submission and Motion For Downward Departure and states:

1. The United States and counsel for the defendant have discussed the defendant's objections to the PSI and the Defendant's Motion For Downward Departure. The parties have reached a resolution with respect to some of the objections and have discussed the evidence and arguments to be presented at the hearing.

2. With respect to the defendant's objection to the 2 level enhancement for possession of firearms in connection with the offense, the government will present to the court at the sentencing hearing the evidence that supports the enhancement. That evidence includes that the defendant

possessed 4 firearms in his residence on the day of his arrest. (Please see attached DEA Report of Investigation, page 10 of 11, paragraphs 1, 4, 5, and 7). As described in the DEA Report, one firearm, a loaded Raven .25 Caliber handgun was located in a drawer in a coffee table in the living room. The coffee table was situated in close proximity to the front door. In this drawer in the coffee table was a bottle of ecstasy pills. (Please see attached DEA Report of Investigation, page 4 of 11, Exhibit 23; also please see attached Laboratory Report re: Exhibit 23). And next to the bottle of ecstasy pills and other items in the drawer was the small loaded Raven handgun. The Commentary to 2D1.1, Application Note 3 states:

The enhancement for weapon possession reflects the increased danger of violence when drug traffickers possess weapons. The adjustment should be applied if the weapon was present, unless it is clearly improbable that the weapon was connected with the offense.

The defendant argues that he did not take a weapon with him to the hotel to purchase the ecstasy, which is the offense charged in the indictment. This point is well taken and the agents appreciate that Thompson was not armed during the DEA operation. Thompson argues further that, therefore, the weapons at his residence were not “connected with the offense.” The government’s response is that the government agreed not to file a superseding indictment charging all the drugs in the residence in exchange for the defendant’s agreement to take responsibility for those drugs and his agreement that those drugs would be counted as relevant conduct. (See Plea Agreement filed in this cause). The United States Sentencing Commission defines offense as,

“Offense” means the offense of conviction and all relevant conduct under Section 1B1.2 (Relevant Conduct) unless a different meaning is specified or is otherwise clear from the context.” U.S.S.C. 1B1.1(Application Notes 1(I)).

This issue remains to be resolved at the sentencing hearing.


4. The government opposes any downward departure in this case. There no facts stated in the Motion For Downward Departure that take the defendant out of the heartland of cases.

5. The defendant has tried in good faith to cooperate with the agents of the DEA but his cooperation has not resulted in substantial assistance and a 5K1 motion has not been authorized at this time.

Respectfully submitted,

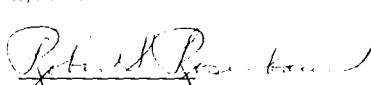

GUY S. LEWIS
UNITED STATES ATTORNEY

By: 

 NANCY VORPE QUINLAN
Assistant United States Attorney
Florida Bar No. 0593532
500 Australian Avenue
West Palm Beach, Florida 33401
Tel: (561) 820-8711 ext 3054
Fax: (561) 820-8777

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Government's Response to Defendant's Rule 32(c) Submission and Motion for Downward Departure was delivered by fax to Dave Bogenschutz, Esquire this 20th day of December, 2000.


 NANCY VORPE QUINLAN
Assistant United States Attorney

REPORT OF INVESTIGATION

Page 1 of 11

| | | | | |
|---|--|---------------|------------------------------|---------------------|
| 1. Program Code | 2. Cross File <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | Related Files | 3. File No. | 4. G-DEP Identifier |
| 5. By: S/A Chris Mathes At West Palm Beach RO | | | 6. File Title | |
| 7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input type="checkbox"/> Action Requested By: | | | 8. Date Prepared 08/17/00 | |
| 9. Other Officers: A/USA Roger Powell and Nancy Quinlan, and Agents further listed in the below narrative report. | | | | |
| 10. Report Re: Search warrant at the Residence of Toby THOMPSON & Acq of Exhibits 18 Thru 20, 22 Thru 31 and Non-drug Exhibits N-104, N-119 & N-133 Thru N-152. | | | | |

SYNOPSIS

On August 12, 2000, Agents of DEA and USCS executed a search warrant at the residence of Toby THOMPSON located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida.

DETAILS

1. Reference is made to all Reports of Investigation under this case number and file title.
2. On August 11, 2000, Toby W. THOMPSON was arrested by DEA at 400 Corporate Drive, Fort Lauderdale, Florida. THOMPSON was arrested as a result of his participation in purchasing 8,198 dosage units of MDMA from CS-00-100928.
3. On that same date, THOMPSON made several post arrest & Miranda warning statements including that he possessed approximately \$20,000 in illegal drug money, one legally owned handgun and had less than 100 MDMA tablets that were presently inside of his residence. (Reference THOMPSON Arrest DEA6 report dated August 11, 2000) THOMPSON gave S/A's Chris Mathes, Mark Granger, Benny Gambino, and TF/A Randy Collier verbal consent to search his residence located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida.
4. Upon arriving at THOMPSON's residence, THOMPSON rescinded his consent to search, stating that he did not want agents to enter his residence

| | | |
|---|---|----------------------------------|
| 11. Distribution: Division MFD : DIG District Other HQS : SARI | 12. Signature (Agent) S/A Chris Mathes 14. Approved (Name and Title) Rick Bendekovic A/Group Supervisor | 13. Date 15. Date |
|---|---|----------------------------------|

DEA Form - 6
(Jul. 1996)DEA SENSITIVE
Drug Enforcement Administration

This report is the property of the Drug Enforcement Administration.
Neither it nor its contents may be disseminated outside the agency to which loaned.

Previous edition dated 8/94 may be used.

| | | |
|--|------------------------------|---------------------|
| REPORT OF INVESTIGATION (Continuation) | 1. File No. | 2. G-DEP Identifier |
| | 3. File Title | |
| 4. Page 2 of 11 | | |
| 5. Program Code | 6. Date Prepared 08/17/00 | |

- because he feared that agents would arrest his roommate (Anthony CASTIGIA) and his girlfriend (Nicki LNU), who had a small child. THOMPSON advised that they also lived with him at the residence, for the drugs inside of his residence. THOMPSON advised that neither his girl friend or CASTIGIA had anything to do with the drugs inside of the residence and that everything was his.
5. THOMPSON believed that his girlfriend and her child was alone inside of the apartment. At that time Agents attempted to verify if anyone was inside of the apartment by knocking on the front, side, and rear doors. Agents also placed a phone call to the residence and all attempts resulted with no response. Lights were on inside of the residence and no movement was visible. No sounds could be heard coming from inside of the apartment which appeared to be absent of any person.
6. At that time Agents established surveillance at all entrances of the apartment and no one entered or exited the residence in the anticipation of a Search Warrant. The agents who maintained surveillance for THOMPSON's residence were, S/As Benny Gambino, Val Smalling, Sue Pentecost, Dan Bruce, Ed Duffy, TF/A's Tim Hall, and Gary Chase. THOMPSON was transported to the DEA/FLDO where he was processed.
7. On August 12, 2000, at approximately 2:18 p.m., S/A Chris Mathes and A/USA Roger Powell appeared before United States Magistrate Judge Barry S. Seltzer, of the Southern District of Florida. Judge Seltzer issued a search warrant for THOMPSON's residence.
8. At approximately 2:45 p.m., RAC Ken Morrow, A/GS Rick Bendekovic, S/As Erek Davodowich, Gambino, Granger, Mathes and TF/A Collier executed the search warrant at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. S/A Mathes left receipts for the items seized and a copy of the search warrant on the coffee table located in the living room of the residence.
9. While at THOMPSON's residence, THOMPSON's landlord (Bobby Birgeld) arrived and provided S/A Mathes a copy THOMPSON's residential lease

| | | |
|---|------------------------------|---------------------|
| REPORT OF INVESTIGATION <i>(Continuation)</i> | 1. File No. | 2. G-DEP Identifier |
| | 3. File Title | |
| 4. Page 3 of 11 | | |
| 5. Program Code | 6. Date Prepared 08/17/00 | |

(Exhibit N-104). Exhibit N-104 was entered into the WPBRO evidence locker by S/A Mathes, as witnessed by S/A Davodowich.

10. At THOMPSON's Bond Hearing on August 17, 2000, at 10 a.m., In U.S. Federal Court, Fort Lauderdale, S/A Mathes provided THOMPSON and his attorney (J. David Bogenschutz) a non-returned copy of the search warrant which listed the items seized from THOMPSON's residence.
11. On August 18, 2000, at approximately 4:30 p.m., S/A Mathes appeared in the chambers of the Honorable United States Magistrate Judge Linnea R. Johnson, West Palm Beach, Florida. S/A Mathes filed the return of the search warrant of Toby W. THOMPSON's residence.
12. As a result of the search warrant, the following Drug and Non-drug exhibits were seized from the residence of Toby W. THOMPSON on August 12, 2000:

CUSTODY OF EVIDENCE

Drug Exhibits

Exhibit #18: is a bottle further containing a clear liquid (suspected GHB) which was located in a coffee table drawer located in the living room by S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #18 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #19: is three bottles of suspected various prescription tablets, which was located under the mattress in the Northeast (master) bedroom by S/A Erik Davodowich. S/A Davodowich transferred custody to S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #19 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #20: is approximately 14 vials of suspected steroids which was located in the southeast bedroom by A/GS Rick Bendekovic. A/GS Bendekovic transferred custody to S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #20 before processing it into the DEA WPBRO Drug Vault pending

U.S. Department of Justice
Drug Enforcement Administration

005

| | | |
|--|------------------|---------------------|
| REPORT OF INVESTIGATION (Continuation) | 1. File No. | 2. G-DEP Identifier |
| | 3. File Title | |
| 4. Page 4 of 11 | | |
| 5. Program Code | 6. Date Prepared | 08/17/00 |

transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #22: is an Aleve bottle further containing various unknown tablets and a sheet containing seven orange colored tablets which was located inside of the living room coffee table by TF/A Randy Collier. TF/A Randy Collier transferred custody to S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #22 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #23: is two pill bottles and a clear ziplock baggie further containing multiple tablets of suspected MDMA which was located inside of the living room coffee table by TF/A Randy Collier. TF/A Randy Collier transferred custody to S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #23 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #24: is boxes, vials, and pills of suspected steroids which was located in the northeast (master) bedroom table by TF/A Randy Collier. TF/A Randy Collier transferred custody to S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #24 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #25: is a blue plate, a plastic tube, and a credit card in the name of Toby THOMPSON, further covered in a white powdery substance (suspected cocaine) which was located on top of the living room coffee table by S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #25 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #26: is a Braun grinder further covered in a white powdery substance (suspected cocaine) which was located in a cabinet located over the kitchen sink by S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #26 before processing it into the DEA WPBRO Drug Vault pending

DEA Form - 68a
(Jul. 1996)**DEA SENSITIVE**
Drug Enforcement Administration

This report is the property of the Drug Enforcement Administration.
Neither it nor its contents may be disseminated outside the agency to which loaned.

Previous edition dated 8/94 may be used.

| | | |
|--|------------------------------|---------------------|
| REPORT OF INVESTIGATION (Continuation) | 1. File No. | 2. G-DEP Identifier |
| | 3. File Title | |
| 4. Page 5 of 11 | | |
| 5. Program Code | 6. Date Prepared 08/17/00 | |

transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #27: is a water bottle further containing a clear liquid (suspected GHB) which was located in a cabinet located above the refrigerator in the kitchen by S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #27 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #28: is multiple boxes and vials of suspected steroids which was located in the southeast bedroom by A/GS Rick Bendekovic. A/GS Bendekovic transferred custody to S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #28 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #29: is multiple boxes, vials and pills of suspected steroids which was located in the northeast (master) bedroom table by TF/A Randy Collier. TF/A Randy Collier transferred custody to S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #29 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #30: is one box and two VCR cases further containing suspected steroids which was located in the northeast (master) bedroom by TF/A Randy Collier. TF/A Collier transferred custody to S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #30 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

Exhibit #31: is three ziplock baggies, each further containing a white powdery substance (suspected cocaine) which was located in the top right kitchen cabinet by S/A Chris Mathes. S/A Mathes maintained custody of Exhibit #31 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

| | | |
|---|------------------------------|---------------------|
| REPORT OF INVESTIGATION <i>(Continuation)</i> | 1. File No. | 2. G-DEP Identifier |
| | 3. File Title | |
| 4. Page 6 of 11 | | |
| 5. Program Code | 6. Date Prepared 08/17/00 | |

Non-Drug Exhibits

Exhibit N-109 is an 8mm video cassette recording of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. The video was made by S/A Granger on 08/12/00 during the execution of the search warrant. S/A Granger maintained custody of Exhibit N-109 before transferring custody to S/A Mathes. S/A Mathes processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-119: Is \$14,690.00 in U.S. Currency discovered by S/A Eric Davodowich in the Northeast (master) bedroom. Exhibit N-119 was seized by S/As Chris Mathes and Mark Granger. Exhibit N-119 was transferred to the custody of S/As Granger and Santillo who processed it into the WPBRO seized monies safe.

Exhibit N-133 is several boxes and bags further containing numerous used and unused needles and used vials of steroids discovered by S/A Granger and TF/A Collier. The Agents discovered Exhibit N-133 in the Northeast (master) bedroom closet and on the counter of the bathroom adjacent to the Northeast (master) bedroom. S/A Mathes seized Exhibit N-133 which was photographed (Exhibit N-141). The exhibit was unsafe for handling and was determined to be a biohazard. S/As Mathes and Davodowich properly disposed Exhibit N-133 via an incinerator.

Exhibit N-134 is a large clear plastic bag further containing several clear plastic ziplock baggies discovered by S/A Mathes in the kitchen cabinet over the sink in Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. S/A Mathes seized and maintained custody of Exhibit N-134 before processing the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-135 is a set of Acculab digital scales discovered by S/A Mathes in the top right kitchen cabinet in Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. S/A Mathes seized and maintained custody of Exhibit N-135 before processing the

| | | |
|---|------------------------------|---------------------|
| REPORT OF INVESTIGATION <i>(Continuation)</i> | 1. File No. | 2. G-DEP Identifier |
| | 3. File Title | |
| 4. Page 7 of 11 | | |
| 5. Program Code | 6. Date Prepared 08/17/00 | |

Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-136 is a small hand scale in a black plastic case with a one dollar bill rolled up as a drug paraphernalia and was discovered by S/A Mathes in the kitchen cabinet drawer in Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. S/A Mathes seized and maintained custody of Exhibit N-136 before processing the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-137 is a EZ MDMA/and other drug test kit discovered by TF/A Collier in the Northeast (master) bedroom of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. TF/A Collier maintained custody of Exhibit N-137 before transferring custody to S/A Mathes. S/A Mathes processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-138 is Five (5) photos discovered in a garbage bag in the living room by S/A Mathes in Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. S/A Mathes seized and maintained custody of Exhibit N-138 before processing the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-139 is a black change purse further containing various papers and two safe deposit box keys discovered by TF/A Collier. TF/A Collier found Exhibit N-139 in the Northeast (master) bedroom inside of the top drawer of a night stand on the left side of the bed of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. TF/A Collier maintained custody of Exhibit N-139 before transferring custody to S/A Mathes. S/A Mathes processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-140 is (2) two photos taken by S/A Granger on 08/12/00 of Drug Exhibit #25. S/A Granger transferred custody of Exhibit N-140 to S/A Mathes before S/A Mathes processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

| | | |
|---|------------------------------|---------------------|
| REPORT OF INVESTIGATION <i>(Continuation)</i> | 1. File No. | 2. G-DEP Identifier |
| | 3. File Title | |
| 4. Page 8 of 11 | 6. Date Prepared 08/17/00 | |
| 5. Program Code | | |

Exhibit N-141 is (5) five photos taken by S/A Granger on 08/12/00 of Non-Drug Exhibit N-133. S/A Granger transferred custody of Exhibit N-141 to S/A Mathes before S/A Mathes processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-142 is (2) books on the subject of anabolic steroids discovered by S/A Mathes on the coffee table in the living room of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. S/A Mathes maintained custody of the exhibit and processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-143 is a black 5 star day planner further containing a calculator and various papers discovered by S/A Mathes on the coffee table in the living room of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. S/A Mathes maintained custody of the exhibit and processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-144 is a check book and a gray address book with various papers, discovered by S/A Mathes on a stand by the front door of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. S/A Mathes maintained custody of the exhibit and processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-145 is miscellaneous papers and receipts, discovered by TF/A Collier on the coffee table in the living room of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. TF/A Collier maintained custody of Exhibit N-145 before transferring custody to S/A Mathes. S/A Mathes processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-146 is a notebook further containing various papers, discovered by TF/A Collier in the Northeast (master) bedroom on a night stand on the left side of the bed of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. TF/A Collier maintained custody of Exhibit N-146 before transferring custody to S/A Mathes. S/A

| | | | |
|---|--|------------------------------|---------------------|
| REPORT OF INVESTIGATION <i>(Continuation)</i> | | 1. File No. | 2. G-DEP Identifier |
| | | 3. File Title | |
| 4. Page 9 of 11 | | 6. Date Prepared 08/17/00 | |
| 5. Program Code | | | |

Mathes processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-147 is miscellaneous personal papers and tax receipts, discovered by TF/A Collier on a table in the Northeast (master) bedroom of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. TF/A Collier maintained custody of Exhibit N-147 before transferring custody to S/A Mathes. S/A Mathes processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-148 is miscellaneous personal papers, discovered by S/A Davodowich in a file box in the Northeast (master) bedroom of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. TF/A Collier maintained custody of Exhibit N-148 before transferring custody to S/A Mathes. S/A Mathes processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-149 is a bank bag further containing a checkbook and various miscellaneous papers, discovered by S/A Davodowich in the Northeast (master) bedroom of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. TF/A Collier maintained custody of Exhibit N-149 before transferring custody to S/A Mathes. S/A Mathes processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-150 is a blue notebook discovered by S/A Mathes on the coffee table in the living room of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. S/A Mathes maintained custody of Exhibit N-150 and processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

Exhibit N-151 is miscellaneous pieces of paper discovered by A/GS Rick Bendekovic in the front hall closet of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. S/A Mathes maintained custody of Exhibit N-151 and processed the Exhibit into the WPBRO Non-drug evidence locker, as witnessed by S/A Bryan.

| | | |
|--|------------------|---------------------|
| REPORT OF INVESTIGATION (Continuation) | 1. File No. | 2. G-DEP Identifier |
| | 3. File Title | |
| 4. Page 10 of 11 | | |
| 5. Program Code | 6. Date Prepared | 08/17/00 |

Exhibit N-152 is a gray colored address book discovered by A/GS Rick Bendekovic in the front hall closet of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida. S/A Mathes maintained custody of Exhibit N-152 and processed the Exhibit into the WPERO Non-drug evidence locker, as witnessed by S/A Bryan.

Along with the above listed Exhibits, Agents discovered the below listed firearms and ammunition. S/A Mathes seized the below items and maintained custody before transferring custody to Agent Mike Shea of the West Palm Beach PD who processed the Exhibits into their evidence locker for safe keeping.

1. A loaded Ruger P-85 9mm handgun (ser#304-08612) discovered by S/A Davodowich under the mattress in the Northeast (master) bedroom of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida.
2. A Ruger P-85 9mm handgun box further containing a receipt in the name of Toby THOMPSON, discovered by TF/A Collier inside a nightstand in the Northeast (master) bedroom of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida.
3. Three (3) .380 shells, a box of .25 caliber shells and a box of Federal Ammo further containing 12 gauge shotgun shells, discovered by TF/A Collier inside a red bag located in a closet in the Northeast (master) bedroom of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida.
4. A loaded Smith & Wesson 9mm handgun (ser#VCR9920) and a black fanny pack discovered by TF/A Collier in a nightstand in the Northeast (master) bedroom of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida.
5. A loaded Raven .25 caliber handgun (ser#1456910) discovered by TF/A Collier in a drawer in the coffee table located in the living room of

| | | |
|--|------------------------------|---------------------|
| REPORT OF INVESTIGATION (Continuation) | 1. File No. | 2. G-DEP Identifier |
| | 3. File Title | |
| 4. Page 11 of 11 | | |
| 5. Program Code | 6. Date Prepared 08/17/00 | |

Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida.

6. A box of Remington 12 gauge shotgun shells discovered by S/A Mathes inside of a kitchen cabinet of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida.
7. A unloaded Mossberg 12 gauge shotgun (ser#L187380) discovered by S/A Davodowich in the Northeast (master) bedroom of Toby THOMPSON's residence, located at 2843 NE 30th Street, Apartment A, Fort Lauderdale, Florida.

INDEXING

U.S. Department of Justice
Drug Enforcement Administration

REPORT OF DRUG PROPERTY COLLECTED, PURCHASED OR SEIZED

| | | | | | |
|---|--|--|--|-------------------------|------------------------------|
| 1. HOW OBTAINED (Check) <input type="checkbox"/> Purchase <input checked="" type="checkbox"/> Seizure <input type="checkbox"/> Free Sample <input type="checkbox"/> Lab. Seizure <input type="checkbox"/> Money Flashed <input type="checkbox"/> Compliance Sample (Non-Criminal) <input type="checkbox"/> Internal Body Carry <input type="checkbox"/> Other (Specify) | | | 2a. FILE NO. | 2b. PROGRAM CODE S/A | 3. G-DEP ID |
| 4a. WHERE OBTAINED (City, State/County) Fort Lauderdale, Florida | | | 4b. DATE OBTAINED 08/12/00 | | 5. FILE TITLE |
| 6a. REFERRING AGENCY (Name) N/A | | | 6b. REFERRAL <input type="checkbox"/> Case No. OR <input type="checkbox"/> Seizure No. N/A | | 7. DATE PREPARED 08/12/00 |
| 8. GROUP NO. WP-1 | | | 9. EXHIBIT NO. 18 | | |
| 10. FDIN (10 characters) | | | 11. ALLEGED DRUGS GRB | | |
| 12. MARKS OR LABELS (Describe fully) One BSE further containing a clear liquid further contained in a clear plastic bottle. | | | APPROX. GROSS QUANTITY 13. Seized 14. Submitted 10.2g | | |
| 15. Purchase Cost | | | 2000-GRB-017085 | | |

16. WAS ORIGINAL CONTAINER SUBMITTED SEPARATE FROM DRUG? ☒ NO (included above) ☐ YES (If Yes, enter exhibit no. and describe original container fully)
REMARKS:
As a result of a search warrant of Toby THOMPSON's residence located at 2843 NE 30th St Apt. A, Ft. Lauderdale, Florida, Exhibit 18 was located in a coffee table drawer located in the living room by S/A Chris Mathes. S/A Mathes maintained custody of Exhibit 18 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

17. SUBMITTED BY SPECIAL AGENT (Signature & Title)
S/A Chris Mathes
18. APPROVED BY (Signature & Title)
A/GS Rick Bendekovic

LABORATORY EVIDENCE RECEIPT REPORT

| | | |
|--|--|---|
| 19. NO. PACKAGES 1 BSE | 20. RECEIVED FROM (Signature & Date) S/A Chris Mathes 8/18/2000 | 21. Print or Type NAME and TITLE Chris Mathes, S/A |
| 22. SEAL <input checked="" type="checkbox"/> Broken <input type="checkbox"/> Unbroken | 23. RECEIVED BY (Signature & Date) S/A Mark Granger 8-18-2000 | 24. Print or Type NAME and TITLE Mark Granger, S/A |

LABORATORY REPORT

25. ANALYSIS SUMMARY AND REMARKS
Exhibit 18 contains gamma-hydroxybutyrate (GRB), sodium salt.
Gross Wt: 182.9g Net Wt: 117.4ml (136.3g)
114999

amp 8/28/00

| 26. Exhibit No. | 27. Lab. No. | 28. ACTIVE DRUG INGREDIENT (Established or Common Name) | CONCENTRATION | | | 32. AMT. OF PURE DRUG | 33. RESERVE |
|-----------------|--------------|---|---------------|-------------|----------|-----------------------|-------------------|
| | | | 29. Strength | 30. Measure | 31. Unit | | |
| 18 | 114999 | gamma-hydroxy butyrate sodium salt | | | | | 107.4ml 126.7g |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

34. ANALYST (Signature)
Ivette M. Valletto
35. TITLE
Forensic Chemist
36. DATE COMPLETED
8/25/00
37. APPROVED BY (Signature & Date)
David A. ... 8/29/2000
38. TITLE
Laboratory Director
39. LAB. LOCATION
Miami, FL

cr-06234-WPD Document 32 Entered on FLSD Docket 12/22/2006

U.S. Department of Justice
Drug Enforcement Administration

REPORT OF DRUG PROPERTY COLLECTED, PURCHASED OR SEIZED

| | | | | |
|--|--|--|-------------------------|-------------------------------|
| 1. HOW OBTAINED (Check) <input type="checkbox"/> Purchase <input checked="" type="checkbox"/> Seizure <input type="checkbox"/> Free Sample <input type="checkbox"/> Lab. Seizure <input type="checkbox"/> Money Flashed <input type="checkbox"/> Compliance Sample (Non-Criminal) <input type="checkbox"/> Internal Body Carry <input type="checkbox"/> Other (Specify) | | 2a. FILE NO. G8-00-0073 | 2b. PROGRAM CODE N/A | 3. G-DEP ID UNL31 |
| 4a. WHERE OBTAINED (City, State/County) Fort Lauderdale, Florida | | 4b. DATE OBTAINED 08/12/00 | | 5. FILE TITLE CLAPP, David |
| 6a. REFERRING AGENCY (Name) N/A | | 6b. REFERRAL <input type="checkbox"/> Case No. OR <input type="checkbox"/> Seizure No. No. | | 7. DATE PREPARED 08/12/00 |
| | | | | 8. GROUP NO. WP-1 |

| 9. Exhibit No. | 10. FDIN (10 characters) | 11. ALLEGED DRUGS | 12. MARKS OR LABELS (Describe fully) | 13. APPROX. GROSS QUANTITY 13. Seized | 14. Submitted | 15. Purchase Cost |
|----------------|--------------------------|-------------------|--|--|---------------|-------------------|
| 23 | | MDMA | One HSE further containing two pill bottles and a clear ziplock baggie further containing numerous unidentified tablets. | | 165.3g | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

16. WAS ORIGINAL CONTAINER SUBMITTED SEPARATE FROM DRUG? ☒ NO (Included above) ☐ YES (If Yes, enter exhibit no. and describe original container fully).

REMARKS:
As a result of a search warrant of Toby THOMPSON's residence located at 2843 NE 30th St Apt. A, Ft. Lauderdale, Florida, Exhibit 23 was located inside of the living room coffee table by TF/A Randy Collier. TF/A Randy Collier transferred custody to S/A Chris Mathes. S/A Mathes maintained custody of Exhibit 23 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

17. SUBMITTED BY SPECIAL AGENT (Signature & Title)
S/A Chris Mathes *Chris Mathes*

18. APPROVED BY (Signature & Title)
A/GS Rick Bendekovic *Rick Bendekovic*

LABORATORY EVIDENCE RECEIPT REPORT

| | | |
|--|--|---|
| 19. NO. PACKAGES 1 HSE | 20. RECEIVED FROM (Signature & Date) <i>Chris Mathes 8-18-2000</i> | 21. Print or Type NAME and TITLE CHRIS MATHES, S/A |
| 22. SEAL <input type="checkbox"/> Broken <input checked="" type="checkbox"/> Unbroken | 23. RECEIVED BY (Signature & Date) <i>William C. Sullivan 8-18-2000</i> | 24. Print or Type NAME and TITLE WILLIAM C. SULLIVAN |

LABORATORY REPORT

25. ANALYSIS SUMMARY AND REMARKS

Gross Wt: 165.9g

Exhibit 23.01 contains 3,4-methylenedioxymethamphetamine hydrochloride.
Net Wt: 7.5 tablets (1.6g)

Exhibit 23.02 contains 3,4-methylenedioxymethamphetamine hydrochloride.
Net Wt: 425 tablets (111.8g)

- 23.02 - 10 tablets removed for special studies.

| 26. Exhibit No. | 27. Lab. No. | 28. ACTIVE DRUG INGREDIENT (Established or Common Name) | CONCENTRATION | | | 32. AMT. OF PURE DRUG | 33. RESERVE |
|-----------------|--------------|---|---------------|-------------|----------|-----------------------|-------------|
| | | | 29. Strength | 30. Measure | 31. Unit | | |
| 23.01 | 115003 | 3,4-methylenedioxymethamphetamine hydrochloride | | | | 4.5 tabs | 0.98g |
| 23.02 | 115003 | 3,4-methylenedioxymethamphetamine hydrochloride | | | | 409 tabs | 107.6g |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

34. ANALYST (Signature)
Ivette M. Vallejo *Ivette M. Vallejo*

35. TITLE
Forensic Chemist

36. DATE COMPLETED
8/31/00

37. APPROVED BY (Signature & Date)
William C. Sullivan 9/2/2000

38. TITLE
Laboratory Director

39. LAB. LOCATION
Miami, FL

U.S. Department of Justice
Drug Enforcement Administration

US PROBATION

Field Office in Miami

REPORT OF DRUG PROPERTY COLLECTED, PURCHASED OR SEIZED

| | | | | |
|--|--|------------------------------|--|--|
| 1. HOW OBTAINED (Check) <input type="checkbox"/> Purchase <input checked="" type="checkbox"/> Seizure <input type="checkbox"/> Free Sample | | 2a. FILE NO. | 2b. PROGRAM CODE | 3. G-DEP ID |
| <input type="checkbox"/> Lab. Seizure <input type="checkbox"/> Money Flashed <input type="checkbox"/> Compliance Sample (Non-Criminal) | | | | |
| <input type="checkbox"/> Internal Body Cavity <input type="checkbox"/> Other (Specify) _____ | | | | |
| 4a. WHERE OBTAINED (City, State/Country) Fort Lauderdale, Florida | 4b. DATE OBTAINED 08/12/00 | 5. FILE TITLE | | |
| 6a. REFERRING AGENCY (Name) N/A | 6b. REFERRAL <input type="checkbox"/> Case No. OR <input type="checkbox"/> Seizure No. No. | 7. DATE PREPARED 08/12/00 | | |
| | | 8. GROUP NO. NP-1 | | |
| 9. Exhibit No. 27 | 10. EDIN (10 characters) | 11. ALLEGED DRUGS GRB | 12. MARKS OR LABELS (Describe fully) One HSE further containing a water bottle further containing a clear liquid. | APPROX. GROSS QUANTITY 13. Seized 14. Submitted 15. Purchase Cost |
| 2000-G8-01115 | | | | |

16. WAS ORIGINAL CONTAINER SUBMITTED SEPARATE FROM DRUG? ☒ NO (included above) ☐ YES (If Yes, enter exhibit no. and describe original container fully)

REMARKS:

As a result of a search warrant of Toby THOMPSON's residence located at 2843 NE 30th St Apt. A, Ft. Lauderdale, Florida, Exhibit 27 was located in a cabinet located above the refrigerator in the kitchen by S/A Chris Mathes. S/A Mathes maintained custody of Exhibit 27 before processing it into the DEA WPERO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

17. SUBMITTED BY SPECIAL AGENT (Signature)
S/A Chris Mathes

18. APPROVED BY (Signature & Title)

A/GS Rick Bendekovic

LABORATORY EVIDENCE RECEIPT REPORT

| | | |
|--|---|--|
| 19. NO. PACKAGES 1 BEE | 20. RECEIVED FROM (Signature & Date) S/A Rick Bendekovic 8/18/00 | 21. Print or Type NAME and TITLE S/A Chris Mathes |
| 22. SEAL <input type="checkbox"/> Broken <input checked="" type="checkbox"/> Unbroken | 23. RECEIVED BY (Signature & Date) S/A Chris Mathes 8/18/00 | 24. Print or Type NAME and TITLE Rick Bendekovic |

LABORATORY REPORT

25. ANALYSIS SUMMARY AND REMARKS

Exhibit 27 contains gamma hydroxy butyrate, sodium salt.
Gross Wt: 134.1g Net Wt: 79.1ml (90.5g)

11500

amp 8/28/00

| | | | | | | | |
|--|------------------------|---|----------------------------------|-------------|----------|--------------------------------|-------------|
| 26. Exhibit No. 27 | 27. Lab. No. 115007 | 28. ACTIVE DRUG INGREDIENT (Established or Common Name) gamma-hydroxy butyrate sodium salt | CONCENTRATION | | | 29. AMT. OF PURE DRUG | 30. RESERVE |
| | | | 29. Strength | 30. Measure | 31. Unit | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| 34. ANALYST (Signature) Ivette M. Vallejo | | | 35. TITLE Forensic Chemist | | | 36. DATE COMPLETED 8/25/00 | |
| 37. APPROVED BY (Signature & Date) Harold Hamel 8/29/00 | | | 38. TITLE Laboratory Director | | | 39. LAB. LOCATION Miami, FL | |

cr-06234-WPD

Document 32

Entered on FLSD Docket 12/22/2000

U.S. Department of Justice
Drug Enforcement Administration

REPORT OF DRUG PROPERTY COLLECTED, PURCHASED OR SEIZED

| | | | | |
|--|--|--------------|------------------|-------------|
| 1. HOW OBTAINED (Check) <input type="checkbox"/> Purchase <input checked="" type="checkbox"/> Seizure <input type="checkbox"/> Free Sample | | 2a. FILE NO. | 2b. PROGRAM CODE | 3. G-DEP ID |
| <input type="checkbox"/> Lab. Seizure <input type="checkbox"/> Money Flashed <input type="checkbox"/> Compliance Sample (Non-Criminal) | | | | |
| <input type="checkbox"/> Internal Body Carry <input type="checkbox"/> Other (Specify) | | | N/A | |

| | | |
|--|---|------------------------------|
| 4a. WHERE OBTAINED (City, State/Country) Fort Lauderdale, Florida | 4b. DATE OBTAINED 08/12/00 | 5. FILE TITLE |
| 6a. REFERRING AGENCY (Name) | 6b. REFERRAL <input type="checkbox"/> Case No. OR <input type="checkbox"/> Seizure No. | 7. DATE PREPARED 08/12/00 |
| N/A | No. | 8. GROUP NO. WP-1 |

| 9. Exhibit No. | 10. PDIN (10 characters) | 11. ALLEGED DRUGS | 12. MARKS OR LABELS (Describe fully) | 13. APPROX. GROSS QUANTITY | 14. Submitted | 15. Purchase Cost |
|----------------|--------------------------|-------------------|---|----------------------------|---------------|-------------------|
| 31 | | Cocaine | One HSE further containing a white powdery substance further contained in three separate clear ziplock baggies. | 378.3g | | |
| 2000-68-07125 | | | | | | |

16. WAS ORIGINAL CONTAINER SUBMITTED SEPARATE FROM DRUG? ☒ YES (Included above) ☐ NO (If Yes, enter exhibit no. and describe original container fully)

REMARKS:
As a result of a search warrant of Toby THOMPSON's residence located at 2843 NE 30th St Apt. A, Ft. Lauderdale, Florida, Exhibit 31 was located in the top right kitchen cabinet by S/A Chris Mathes. S/A Mathes maintained custody of Exhibit 31 before processing it into the DEA WPBRO Drug Vault pending transfer to SERL for analysis and safe-keeping, as witnessed by S/A Mark Granger.

| | |
|--|--|
| 17. SUBMITTED BY SPECIAL AGENT (Signature) S/A Chris Mathes | 18. APPROVED BY (Signature & Title) A/OS Rick Bendeckovic |
|--|--|

| | | | | | |
|--|--|--|--|---|--|
| 19. NO. PACKAGES 1 HSE | | 20. RECEIVED FROM (Signature & Date) Rick Bendeckovic 8/18/00 | | 21. Print or Type NAME and TITLE Rick Bendeckovic, S/A | |
| 22. SEAL <input type="checkbox"/> Broken <input checked="" type="checkbox"/> Unbroken | | 23. RECEIVED BY (Signature & Date) Rick Bendeckovic 8/18/00 | | 24. Print or Type NAME and TITLE Rick Bendeckovic | |

LABORATORY REPORT

Exhibit 31 contains cocaine hydrochloride, boric acid, caffeine.
Gross Wt: 373.0g Net Wt: 326.6g

115011

amp 8/29/00

| 26. Exhibit No. | 27. Lab. No. | 28. ACTIVE DRUG INGREDIENT (Established or Common Name) | CONCENTRATION | | | 32. AMT. OF PURE DRUG | 33. RESERVE |
|-----------------|--------------|---|---------------|-------------|----------|-----------------------|-------------|
| | | | 29. Strength | 30. Measure | 31. Unit | | |
| 31 | 115011 | cocaine hydrochloride | 31 | 2 | | 101.2g | 324.6g |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

| | | |
|--|----------------------------------|--------------------------------|
| 34. ANALYST (Signature) Yvette M. Vallejo 8/29/00 | 35. TITLE Forensic Chemist | 36. DATE COMPLETED 8/28/00 |
| 37. APPROVED BY (Signature & Date) Rick Bendeckovic 8/29/00 | 38. TITLE Laboratory Director | 39. LAB. LOCATION Miami, FL |